

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CUSTOMER NO. 22927**

Applicants: WALKER et al.  
Application No.: 09/316,546  
Filed: May 21, 1999  
Title: METHOD AND APPARATUS FOR PROCESSING CREDIT  
CARD TRANSACTIONS

Attorney Docket No. 99-012

Group Art Unit: 3693  
Examiner: KARMIS, Stefanos

**PETITION**

**To Withdraw Holding of Abandonment**

**Under 37 C.F.R. § 1.181(a)**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To Whom It May Concern:

The present Application was abandoned for failure to timely respond to the Final Office Action mailed November 7, 2008. Please see enclosed copy of Notice of Abandonment dated July 6, 2009. Applicants herein Petition to withdraw the holding of abandonment.

Applicants did in fact respond to this Office Action by faxing a Notice of Appeal on February 9, 2009 to the United States Patent Office Central Fax (571-273-8300). An auto-reply facsimile transmission was generated and received by the Applicants on February 9, 2009 (copy of the facsimile with auto generated reply enclosed).

### **Conclusion**

For the foregoing reasons, Applicants maintain that the present Application was not abandoned, consequently Applicants respectfully request the abandonment be vacated and prosecution reopened.

### **Fees**

No fees are believed to be due for the Petition. Applicants hereby authorize the Commissioner to charge any additional fees associated with this Petition or credit any overpayment to Deposit Account No. 50-0271.

July 10, 2009  
Date

/Michael Downs 50252/  
Michael D. Downs  
PTO Registration No. 50,252  
Attorney for Applicants  
(203) 461-7292/phone  
(203) 461-7300/fax  
mdowns@walkerdigital.com



# UNITED STATES PATENT AND TRADEMARK OFFICE

# COPY

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/316,546

05/21/1999

JAY S. WALKER

99-012

7943

22927

7590

07/06/2009

WALKER DIGITAL MANAGEMENT, LLC  
2 HIGH RIDGE PARK  
STAMFORD, CT 06905

EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

07/06/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Notice of Abandonment**

Application No.

09/316,546

Examiner

STEFANOS KARMIS

Applicant(s)

WALKER ET AL.

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 07 November 2008.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Stefanos Karmis/  
Primary Examiner, Art Unit 3693

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

O:Auto-reply fax to 203 461 300 COMPANY:

**COPY** 99-012**Auto-Reply Facsimile Transmission**

TO:

Fax Sender at 203 461 7300

Fax Information

Date Received:

2/9/2009 5:58:15 PM [Eastern Standard Time]

Total Pages:

2 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

02/09/2009 07:01 FAX 203 461 7300 WALKER DIGITAL 001

203.461.7000/phone  
203.461.7300/fax

**WALKER DIGITAL  
MANAGEMENT, LLC**

**fax**

To: USPTO Central Fax From: Greg Vanuto  
Patent Paralegal

Fax: 571-273-8300 Pages: 2

Phones: Dates: February 9, 2009  
Re: Application No. 09/316,646 Phone: 203-461-7313  
Attorney Docket No. 99-012

☒ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

**NOTICE OF APPEAL**

Applicants: Walker et al.  
Title: METHOD AND APPARATUS FOR PROCESSING CREDIT CARD TRANSACTIONS  
Application No. 09/316,646  
Attorney Docket No. 99-012  
Confirmation No. 7943

Notice of Appeal (previously paid \$500 dollars on July 9, 2007) Please deduct \$40.00 from our deposit account 50-0271.  
Thank you.

This facsimile is confidential and may contain legally privileged information. If you are not the intended recipient, you are hereby notified that any use, disclosure, copying or dissemination of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by direct telephone or facsimile and return the original to us by mail. Thank you.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via facsimile to USPTO Central Fax (Fax No. 571.273.8300) on February 9, 2009.

Dated: February 9, 2009. By: Greg Vanuto  
Gregory Vanuto

Greg Vanuto

PAGE 1/2 \* ROVO AT 2/9/2009 6:02:15 PM [EASTERN STANDARD TIME] \* BVK:USPTO-EPXRF-119 \* DWS:2733200 \* CSD:203 461 7300 \* DURATION 00:00:03.07

203.461.7000/phone  
203.461.7300 /fax

**WALKER DIGITAL  
MANAGEMENT, LLC**

**fax**

**To:** USPTO Central Fax

**From:** Greg Venuto

Patent Paralegal

**Fax:** 571-273-8300

**Pages:** 2

**Phone:**

**Date:** February 9, 2009

**Re:** Application No. 09/316,546  
Attorney Docket No. 99-012

**Phone:** 203-461-7313

**Urgent**

☒ **For Review**

☐ **Please Comment**

☐ **Please Reply**

☐ **Please Recycle**

NOTICE OF APPEAL

Applicants: Walker et al.

Title: METHOD AND APPARATUS FOR PROCESSING CREDIT CARD TRANSACTIONS

Application No. 09/316,546

Attorney Docket No. 99-012

Confirmation No. 7943

Notice of Appeal (previously paid \$500 dollars on July 9, 2007) Please deduct \$40.00 from our deposit account 50-0271.

Thank you.

This facsimile is confidential and may contain legally privileged information. If you are not the intended recipient, you are hereby notified that any use, disclosure, copying or dissemination of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify us by collect telephone or facsimile and return the original to us by mail. Thank you.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being  
Transmitted via facsimile to USPTO Central Fax  
(Fax No. 571.273.8300) on February 9, 2009.

Dated: February 9, 2009. By: Greg Venuto

Gregory Venuto

Greg Venuto

# **NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

99-012

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  
on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed  
name \_\_\_\_\_In re Application of  
Walker et al.Application Number  
09/316,546Filed  
May 21, 1999

For Method and Apparatus for Processing.

Art Unit  
3693Examiner  
Karmis, Stefanos

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))


\$ 40.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0271.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)
- ☒ attorney or agent of record.  
Registration number 50,252
- ☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_



Signature

Michael D. Downs

Typed or printed name

(203) 461-7292

Telephone number

February 9, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 0984  
CONNECTION TEL 915712738300  
SUBADDRESS  
CONNECTION ID  
ST. TIME 02/09 07:01  
USAGE T 02'45  
PGS. SENT 2  
RESULT OK

203.461.7000/phone  
203.461.7300 /fax

**WALKER DIGITAL  
MANAGEMENT, LLC**

**fax**

To: USPTO Central Fax

From: Greg Venuto

Patent Paralegal

Fax: 571-273-8300

Pages: 2

Phone:

Date: February 9, 2009

Re: Application No. 09/316,546  
Attorney Docket No.99-012

Phone: 203-461-7313

Urgent

☒ For Review☐ Please Comment☐ Please Reply☐ Please RecycleNOTICE OF APPEAL

Applicants: Walker et al.

Title: METHOD AND APPARATUS FOR PROCESSING CREDIT CARD TRANSACTIONS

Application No. 09/316,546

Attorney Docket No. 99-012

Confirmation No. 7943

Notice of Appeal (previously paid \$500 dollars on July 9, 2007) Please deduct \$40.00 from our deposit account 50-0271.

Thank you.